UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,156	06/27/2005	Douglas Tarr	PAYS0002	6181

22862   7590   12/13/2010
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ART UNIT	PAPER NUMBER
3624	

NOTIFICATION DATE	DELIVERY MODE
12/13/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>08 September 2010</u>.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-103</u> is/are pending in the application.
     4a) Of the above claim(s) <u>None</u> is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-103</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on <u>06/27/2005</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a) ☐ All   b) ☐ Some * c) ☐ None of:
         1. ☐ Certified copies of the priority documents have been received.
         2. ☐ Certified copies of the priority documents have been received in Application No. _____.
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This is a **final** office action in response to applicant amendment filed on September 8,

2010. Currently claims 1-103 are currently pending. The claims 1, 31, 64, 65, 83, 84, 87, 90, 93

and 103 are currently being amended.

Response to Amendment

2.   The 35 U.S.C 101 rejections of claims 1, 31, 65, and 87 in the previous office action are

withdrawn in light of the applicant amendments.

Response to Argument

3.   Applicant's arguments, filed 09/08/2010, with respect to the rejection(s) of claims 1, 31,

93, 102-103 in view of Williams et al. (U.S. 6,618,734) have been fully considered but they are

not persuasive.

4.   The applicants argue Williams et al does not teach the comparison of an entire user

profile to an affinity group (Remarks paragraph four, page 24).

>   a.   In response to this argument, the examiner respectfully disagrees. Williams
>
>   discloses "administer interview questions that best exemplify the characteristics of the
>
>   position. The present invention is able to provide this feature through a profiling process
>
>   in which background information regarding the position, such as tasks performed and
>
>   work environment" (Williams Col. 3, lines 30-55).

5.   Williams discloses the above limitations, but does not disclose "said processor configured

for determining which of said one or more said affinity groups are associated with said user by

comparing said user profile to said affinity groups". However, Turnasella teaches "generates the

profile report that compares salary wages" (Paragraphs 0047, 0055-0056).

6.   The applicants argue Williams et al does not teach the creation of a profile (Remarks paragraph one, page 25).

   b.   In response to this argument, the examiner respectfully disagrees. Williams disclose "administer interview questions that best exemplify the characteristics of the position. The present invention is able to provide this feature through a profiling process in which background information regarding the position, such as tasks performed and work environment" (Williams Col. 3, lines 30-55).

7.   Williams disclose the above limitations but does not explicitly disclose "said processor configured" storing said user profile in a memory. However, Turnasella teaches "a company that opts to contribute wage information to the database, i.e., a contributing member subscribes to the system... the sponsoring organization and providing salary data of the company to the service provider for storage in a database associated with the website. A number of contributing members may be associated together as a survey group by the service provider... The salary data from the contributing members of a survey group is processed in a predetermined fashion into surveys and access to the surveys is provided to the survey group via the Internet. (Paragraph 0006); "may be one or more salary servers and one or more salary clients connected to the network... the salary server includes a professionally managed, interactive salary database of wage and salary levels for selected benchmarked jobs; all programs accessing the database, which are stored in the memory, are database independent"; the Account Information table maintains all registered users of the application. The account type code determines the type of account" (Paragraphs 0031-0033).

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

9.   The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness
        or nonobviousness.

10.   **Claims 1-7, 9, 11-18, 20, 22-26, 31-37, 39, 41-51, 53-56, 58, 63-67, 76-77, 79, 81-84, 86,**

87, 88, 89, 90, 91, 92, 93, 101-103 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Williams et al. (U.S. 6,618,734) in view of Turnasella (U.S. 2003/0145015).

With respect to **Claims 1, 31, 93, 101-102**:

Williams disclose a "computer implemented" method for surveying a user, comprising

the steps of:

Said at least one question being pertinent for determination of at least one affinity group

to said user, "administer interview question wherein a first set of questions is asked of the user so

that the user us matched with a work group having similar characteristics to the user, the group

including multiple profile" (Col. 3, lines 30-55)

"said processor configured" creating a user profile for said user based on said user's answers to said questions, wherein said user profile is comprised of said question and at least a corresponding answer; "said processor configured" adding said user profile to one or more affinity groups Williams disclose "the system of the present invention via the use of various media including but not limited to Interactive Voice Response telephone technology, CD Rom, and Internet based interactive response platforms... the first tier of the interview process, candidates are asked questions concerning employment eligibility and availability, job and educational requirements...the second tier, the system asks questions designed to assess whether a candidate displays critical, job-related behavioral characteristics" (Williams Col. 2, lines 50-65); "administer interview questions that best exemplify the characteristics of the position. The present invention is able to provide this feature through a profiling process in which background information regarding the position, such as tasks performed and work environment" (Williams Col. 3, lines 30-55).

Williams disclose the above limitations, but does not disclose "providing a processor configured for" presenting "a first" question to said user, "from a plurality of questions automatically tailored to said user"..., "wherein said automatic tailoring is based on affinity groups that are associated with said user" .

However, Turnasella teaches "one question is presented to a user and used to group the user with others of similar backgrounds and attributes" (Paragraph 0006); "Fig. 6 show the group account association...that table associates a specific account with a specific subgroup. Once associated, all wage information provided by the account" (Paragraph 0036).

Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams to have incorporated "providing a processor configured for" presenting "a first" question to said user, "from a plurality of questions automatically tailored to said user"..., "wherein said automatic tailoring is based on affinity groups that are associated with said user" as taught by Turnasella, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

Williams disclose the above limitations, but does not disclose "said processor configured for presenting additional questions until no new questions can be presented to said user".

However, Turnasella teaches "the user is presented other questions based on affiliation to a subgroup based on a previous answer" (Paragraph 0031-0033).

Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams to have incorporated "said processor configured for presenting additional questions until no new questions can be presented to said user as taught by Turnasella, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

Williams disclose the above limitations but does not explicitly disclose "said processor configured" storing said user profile in a memory.

However, Turnasella teaches "a company that opts to contribute wage information to the database, i.e., a contributing member subscribes to the system... the sponsoring organization and providing salary data of the company to the service provider for storage in a database associated with the website. A number of contributing members may be associated together as a survey group by the service provider... The salary data from the contributing members of a survey group is processed in a predetermined fashion into surveys and access to the surveys is provided to the survey group via the Internet. (Paragraph 0006); "may be one or more salary servers and one or more salary clients connected to the network... the salary server includes a professionally managed, interactive salary database of wage and salary levels for selected benchmarked jobs; all programs accessing the database, which are stored in the memory, are database independent"; the Account Information table maintains all registered users of the application. The account type code determines the type of account" (Paragraphs 0031-0033).

Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams to have incorporated a company that opts to contribute wage information to the database, wherein the data is answer by user to predefined field is stored in the system as taught by Turnasella, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

Williams disclose the above limitations, but does not disclose "said processor configured for determining which of said one or more said affinity groups are associated with said user by comparing said user profile to said affinity groups".

However, Turnasella teaches "generates the profile report that compares salary wages" (Paragraphs 0047, 0055-0056).

Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams to have incorporated a "said processor configured for determining which of said one or more said affinity groups are associated with said user by comparing said user profile to said affinity groups" as taught by Turnasella, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 2** and **32**:

Williams does not explicitly disclose the method of claim 1, wherein said question is comprised of a set of one or more question fields that form a logical grouping of questions into a single record. However, Turnasella teaches "the Group Account Association table associates a specific account with a specific subgroup. Once associated, all wage information provided by the account is available to all members of the specified subgroup". (Paragraph 0036); "each account ID, job code and area code combination makes up a unique record and adds associated wage information on the record". (Paragraph 0044); "a company subscribes by accessing a server of the salary service provider via the internet, signing up and paying any necessary fee…information of the company that is stored within a database at a storage location associated

with the company...a company may associate itself with a subgroup (survey group) of all subscribers of the salary service provider" (Paragraph 0048). Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams to have incorporated each account ID, job code and area code combination makes up a unique record and adds associated wage information on the record as taught by Turnasella, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 3** and **33**:

Williams does not explicitly disclose the method of claim 1, wherein said method further comprises the step of: presenting at least one additional question which is a result of said at least a question presented to said user. However, Turnasella teaches "See Fig. 17, wherein additional questions are asked of a member once the members join a subgroup; "the companies select which jobs they wish to include in their surveys. The selected jobs may be made from the job summaries already contained within the service providers' database or the subgroup could further develop additional job summaries more suited to the information desired by the group". (Paragraph 0055). Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams to have incorporated the companies select which jobs they wish to include in their surveys. The selected jobs may be made from the job summaries already contained within the service providers' database or the subgroup could further develop additional job summaries more suited to the information desired

by the group as taught by Turnasella, since the claimed invention is merely a combination of old

elements, and in the combination each element merely would have performed the same function

as it did separately, and one of ordinary skill in the art would have recognized that the results of

the combinations were predictable.

With respect to **Claims 4** and **34**:

Williams does not explicitly disclose the method of claim 3, wherein said at least another

question is presented as a result of at least one of: popularity of said at least another question

within said at least an affinity group; being a most frequently answered said at least another

question within said at least an affinity group; being a most recently answered said at least

another question within said at least an affinity group; and relation to said at least a question.

However, Turnasella teaches "See Turnasella Figs. 17 and 18; "the Industry Code

Information table maintains a list of all possible industry codes along with a description

associated with the code".(Paragraph 0038); "each account ID, job code and area code

combination makes up a unique record and adds associated wage information on the record".

(Paragraph 0044); "a company subscribes by accessing a server of the salary service provider via

the internet, signing up and paying any necessary fee…information of the company that is stored

within a database at a storage location associated with the company...a company may associate

itself with a subgroup (survey group) of all subscribers of the salary service provider".

(Paragraph 0048); "the companies select which jobs they wish to include in their surveys. The

selected jobs may be made from the job summaries already contained within the service

providers' database or the subgroup could further develop additional job summaries more suited

to the information desired by the group, wherein the user is presented other questions based on

affiliation to a subgroup" (Paragraph 0055). Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams to have incorporated subscribes by accessing a server of the salary service provider via the internet, signing up and paying any necessary fee...information of the company that is stored within a database at a storage location associated with the company...a company may associate itself with a subgroup (survey group) of all subscribers of the salary service provider, wherein the user is presented other questions based on affiliation to a subgroup as taught by Turnasella, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 5 and 35**:

Williams does not explicitly disclose the method of claim 1, wherein said at least a corresponding answer is an open text. However, Turnasella teaches "See Turnasella Fig. 9; "may be one or more salary servers and one or more salary clients connected to the network...the salary server includes a professionally managed, interactive salary database of wage and salary levels for selected benchmarked jobs; all programs accessing the database, which are stored in the memory, are database independent"; the Account Information table maintains all registered users of the application. The account type code determines the type of account". (Paragraphs 0031-0033); "once associated, all wage information provided by the account is available to all members of the specified subgroup". (Paragraph 0036); "the Industry Code Information table maintains a list of all possible industry codes along with a description associated with the code".(Paragraph 0038); "select which jobs they wish to include in their surveys. The selected

jobs may be made from the job summaries already contained within the service providers' database or the subgroup could further develop additional job summaries more suited to the information desired by the group" (Paragraph 0055); "the group survey report functionality receives at step input from a number of member companies indicating a subscription sub grouping consisting of a number of companies that wish to be associated with each other for the purpose of performing various surveys, where the answer or text is entered".) (Paragraph 0057)

Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams to have incorporated select which jobs they wish to include in their surveys. The selected jobs may be made from the job summaries already contained within the service providers' database or the subgroup could further develop additional job summaries more suited to the information desired by the group, the group survey report functionality receives at step input from a number of member companies indicating a subscription sub grouping consisting of a number of companies that wish to be associated with each other for the purpose of performing various surveys, where the answer or text is entered as taught by Turnasella, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 6** and **36**:

Williams does not explicitly disclose the method of claim 5, wherein said open text allows said user to add a new answer to said at least a corresponding answer. However, Turnasella teaches "the companies select which jobs they wish to include in their surveys. The

selected jobs may be made from the job summaries already contained within the service providers' database or the subgroup could further develop additional job summaries more suited to the information desired by the group. The service provider will set up the subgroup by assigning a group number, wherein new job summaries can be developed" (Paragraph 0057). Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams to have incorporated select which jobs they wish to include in their surveys. The selected jobs may be made from the job summaries already contained within the service providers' database or the subgroup could further develop additional job summaries more suited to the information desired by the group, the group survey report functionality receives at step input from a number of member companies indicating a subscription sub grouping consisting of a number of companies that wish to be associated with each other for the purpose of performing various surveys, where the answer or text is entered as taught by Turnasella, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 7** and **37**:

Williams disclose the above limitation but does not explicitly disclose the method of claim 6, wherein said new answer is used as one of said respective answers when said at least as question is suggested. However, Turnasella teaches "a survey subgroup of widget producers may be formed of companies A, B, C, etc and have an associated data group formed in the database for this subgroup of widget producers...once job summaries and passwords are created, the

group members can begin loading wage and salary information into the database, wherein the survey is built and the questions suggested to users" (Paragraph 0055). Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams to have incorporated once job summaries and passwords are created, the group members can begin loading wage and salary information into the database, wherein the survey is built and the questions suggested to users as taught by Turnasella, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 9** and **39**:

Williams disclose the method of claim 1, wherein said user may select one or more answers to said question. Williams "the system of the present invention via the use of various media including but not limited to Interactive Voice Response telephone technology, CD Rom, and Internet based interactive response platforms...the first tier of the interview process, candidates are asked questions concerning employment eligibility and availability, job and educational requirements...the second tier, the system asks questions designed to assess whether a candidate displays critical, job-related behavioral characteristics". (Col. 2, lines 50-65); "the candidate provides his or her Social Security Number, which is used to keep an account of that candidate's activities within the system". (Col. 6, lines 52-65).

With respect to **Claims 11** and **41**:

Williams disclose the method of claim 1, further comprising the step of: filtering said user's answers to said question. Williams, "a client/employer can compare candidates against a

database of former employees that are not eligible for re-hire. Upon performing the comparison, non-rehireable candidates may be prompted to an exit from the interview portion of the process…If a candidate enters an incomplete or invalid (insufficient digits) social security number, he or she is prompted to re-enter the number". (Col. 6, lines 55-65); "if the candidate enters an invalid (insufficient digits or an unknown area code) or incomplete telephone number, he or she is prompted to re enter the number. An invalid or incomplete entry terminates the session". (Col. 7, lines 21-25).

With respect to **Claims 12** and **42**:

Williams disclose the method of claim 11, wherein said filtering is performed in at least one of real-time and batch mode. Williams, "the client has multiple available positions; the candidate may be redirected to another position… upon completion of the final question, the candidate is ranked and subsequent actions regarding the candidate are determined". (Col. 8, lines 25-45).

With respect to **Claims 13** and **43**:

Williams disclose the method of claim 11, wherein said filtering further "comprises" the modification of an answer to said question based on at least one of: predetermined criterion; one or more filtering rules; consistency with previously answered questions; consistency with all answered questions; and consistency with answers of at least said affinity group. Williams, "if the candidate enters an invalid (insufficient digits or an unknown area code) or incomplete telephone number, he or she is prompted to re enter the number. An invalid or incomplete entry terminates the session". (Col. 7, lines 21-25).

With respect to **Claims 14** and **44**:

Williams disclose the method of claim 1, further comprising the steps of: periodically creating a new affinity group; and associating at least a user to said new affinity group. Williams, "the system of the present invention via the use of various media including but not limited to Interactive Voice Response telephone technology, CD Rom, and Internet based interactive response platforms... the first tier of the interview process, candidates are asked questions concerning employment eligibility and availability, job and educational requirements...the second tier, the system asks questions designed to assess whether a candidate displays critical, job-related behavioral characteristics". (Col. 2, lines 50-65); "Once communication between the candidate and the system has begun, certain applicant specific data is collected, determining the proper interview route. Candidates who do not meet the client's prerequisites are told to retry communicating at a time when they will be able to provide the necessary data". (Col.6, lines 30-25).

With respect to **Claims 15** and **45**:

Williams disclose the method of claim 1, further comprising the step of: creating a new affinity group by a user. Williams, "candidates who are considered to be in the category of Best Match hear a message that they are pre qualified candidates and continue to the next phase of the process". (Col. 8, lines 42-50).

With respect to **Claims 16** and **46**:

Williams disclose the method of claim 15, further comprising the step of: associating matching user profiles with said new affinity group. Williams, "a group of best matches is formed, See Williams Fig. 3; Internet based interactive response platforms... the first tier of the interview process, candidates are asked questions concerning employment eligibility and

availability, job and educational requirements...the second tier, the system asks questions designed to assess whether a candidate displays critical, job-related behavioral characteristics". (Col. 2, lines 50-65).

With respect to **Claim 17**:

Williams disclose the method of claim 1, further comprising: the steps of providing a report. Williams, "see Williams Figs. 5, 6 "reports available"; "a goal of the process is to provide the client with candidate information. The client has the ability to access candidate information via internet based technology and/or through reports produced by the system". (Col. 3, lines 25-30).

With respect to **Claim 18**:

Williams disclose the method of claim 17, wherein the generation of said report is constrained by at least one of an attribute of said user profile and a goal. Williams, "a utility analysis that will analyze the cost effectiveness and savings provided by the system; Specific information regarding average salary levels and G & A costs for the selected positions must be provided by the client" (Col.4 lines 61-65); "a statistical analysis of scores by appropriate race and gender group determines if the interview has an adverse impact or causes other equal employment opportunity issues". (Col.9 lines 50-56).

With respect to **Claims 20 and 50**:

Williams disclose the method of claim 18, wherein said constraint results are weighted such that deterministic fields have a higher score then non-deterministic fields. Williams, "the present invention automatically and objectively measures a job candidate's work ethic, adaptability, teamwork, customer-service orientation, etc". (Col. 2, lines 20-40); "during this

phase of the process, a client/employer can compare candidates against a database of former employees that are not eligible for re-hire. Upon performing the comparison, non-rehireable candidates may be prompted to an exit from the interview portion of the process or transferred to other clients/employers". (Col. 6, lines 50-60).

With respect to **Claims 22** and **53**:

Williams disclose the method of claim 21, further comprising the step of: determining the best match. Williams, "the system then has the option of conducting a suitability evaluation of the Best Match candidates, which aids the client/employer in efficient placement of a candidate into a specific job classification" (Col. 8, lines 31-38).

With respect to **Claims 23** and **54**:

Williams disclose the method of claim 21, further comprising the step of: determining one or more matches which are the best matches from a plurality of possible matches. Williams, determining one or more matches which are the best matches from a plurality of possible matches; (Col. 2, line 60 to Col. 3, lines 11-11), (Col. 8, lines 28-40).

With respect to **Claim 24** and **55**:

Williams disclose the method of claim 23, wherein said matches are arranged by order of match score, said order being grouped to at least two levels of matches, based on said score. Williams disclose wherein said matches are arranged by order of match score, said order being grouped to at least two levels of matches, based on said score. (Col. 2, line 60 to Col. 3, lines 1-11), (Col. 5, lines 65 to Col. 6, lines 1-5), (Col. 8, lines 28-45).

With respect to **Claims 25, 26** and **56**:

Williams disclose the method of claim 21, wherein said step of matching further comprises the steps of: scoring of each match with said affinity groups; and weighting the importance of including each said match in the aggregation of said report. However, Williams teaches providing and aggregated score for said matching step and weighting the importance of including each said match in said report. (Col. 2, lines 20-40), (Col. 6, lines 50-60); and classifying of each match score as one of deterministic to meeting said goal. (Col. 4, lines 10-19), (Col. 8, lines 20-45), (Col. 9, lines 35-45).

With respect to **Claim 47**:

Williams disclose the method of claim 31, wherein said affinity group comprises any of: profession; geographic location. Williams disclose wherein the group is associated with a geographic location. (See Fig.3, Col.7, lines 5-25).

With respect to **Claim 48**:

Williams disclose the method of claim 31, further comprising the step of: providing a compensation report. Williams disclose wherein a compensation report is providing that reflects cost and benefits. (Col. 4, lines 60-65), (Col. 10, lines 10-20).

With respect to **Claim 49**:

Williams disclose the method of claim 48, wherein the generation of said compensation report is constrained by at least one of an attribute of said user profile and a goal. Williams disclose compensation report is constrained by a report goal. (Col. 4, lines 60-65), (Col. 10, lines10-40).

With respect to **Claim 51**:

Williams disclose the method of claim 49, wherein said goal comprises any of: a desired compensation. Williams disclose goal comprising at least a desired compensation. (Col. 4, lines 60-65), (Col. 10, lines 10-20).

With respect to **Claim 58**:

Williams disclose the method of claim 57, wherein said personal goal is any of: compensation. Williams disclose goal comprising at least compensation. (Col. 4, lines 60-65), (Col. 10, lines 10-20).

With respect to **Claim 63**:

Williams disclose the method of claim 31, wherein said compensation any of: annual salary. Williams teaches "salary levels per job position". (Col. 10, lines 10-35).

With respect to **Claim 64**:

Williams disclose the above limitations, but does not disclose a system for compensation surveying and reporting.

However, Turnasella teaches "a processor configured" for accessing a Web site, said Web site being accessible via a network, Turnasella "the salary client exchanges data with a salary server, ... through a network such as a PSTN (public switch telephone network) or the Internet ...(See figs. 1 and 17; paragraphs 0006, 0029-0031, 0048, 0055, and 0057).

"a processor configured" for surveying a user for information pertinent for determination of compensation "by presenting a first question to said user from a plurality of question automatically tailored to said user, said first question being pertinent for determination of at least one affinity group to which said user belongs and said automatic tailoring being based on affinity groups that are associated with said user, Turnasella teaches (paragraphs 0006, 0031-0033,

0036, 0038, 0044, 0048, 0055, wherein at least one question is presented to a user to group the user with others of similar backgrounds);

"said processor configured for presenting additional questions until no new question can be presented to said user, Turnasella teaches "the user is presented other questions based on affiliation to a subgroup based on a previous answer" (Paragraph 0031-0033);

"a processor configured" for creating a user profile for said user based on gathering of said information, said user profile further comprised of at least one question and at least one corresponding answer, Turnasella teaches (paragraphs 0006, 0031-0033, 0036, 0038, 0044, 0048, 0055, wherein a user profile is created and stored);

"a processor configured" for storing said user profile "in a memory" Turnasella teaches (figs. 17-18, paragraphs 0006, 0031-0033, 0036, 0038, 0044, 0048, 0055, wherein the profile is stored in the system);

means for at least periodically generating at least an affinity group comprising a plurality of user profiles, Turnasella teaches (figs. 17-18, paragraphs 0006, 0031-0033, 0036, 0038, 0044, 0048, 0055, wherein a subgroup is created and the user is responsible for updating his/her data); and

"a processor configured" for matching said user profile with at least one affinity group being previously stored in said "memory" Turnasella teaches (figs. 17-18, paragraphs 0006, 0031-0033, 0036, 0038, 0044, 0048, 0055) and

"said processor configured for determining which of said affinity groups match with said user by comparing said user profile to said affinity" Turnasella teaches "generates the profile report that compares salary wages" (Paragraphs 0047, 0055-0056).

Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams to have incorporated a a system for compensation surveying and reporting as taught by Turnasella, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 65, 67, 83, 87 and 90**:

Williams disclose a "computer implemented" method for "scoring" a user profiles "of an affinity group of" a plurality of user profiles, "the method" comprising the steps of:

"providing a processor configured for" receiving a "plurality of" user profile, "each user profile of said plurality of user profiles belonging to said affinity group and comprising question and respective answers provided by said user for creating said first user profile" Williams disclose "said processor configured" adding said user profile to one or more affinity groups "the system of the present invention via the use of various media including but not limited to Interactive Voice Response telephone technology, CD Rom, and Internet based interactive response platforms… the first tier of the interview process, candidates are asked questions concerning employment eligibility and availability, job and educational requirements…the second tier, the system asks questions designed to assess whether a candidate displays critical, job-related behavioral characteristics" (Williams Col. 2, lines 50-65);

"said processor configured for; matching "each of" said user profile with the at least "one match group" and for assigning an overall fitness score "for each of said user profile" Williams

disclose "wherein further comprising the step of: determining one or more matches which are the best matches from a plurality of possible matches" (Col. 2, line 60 to Col. 3, lines 11-11), (Col. 8, lines 28-40); and

"said processor configured for" reporting said fitness score, Williams disclose "wherein said matches are arranged by order of match score, said order being grouped to at least two levels of matches, based on said score. (Col. 2, line 60 to Col. 3, lines 1-11), (Col. 5, lines 65 to Col. 6, lines 1-5), (Col. 8, lines 28-45).

Williams disclose the above limitation but does not disclose "said processor configured for determining said affinity group as a result of a degree of its matching said plurality of user profiles".

However, Turnasella teaches "the members of the subgroup provide survey request parameters which are received …at the server associated with the salary service provider and used to generate reports … according to the provided parameters... a survey specific to the members of the subgroup is generated at the server" (paragraph 0057).

Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams to have incorporated "said processor configured for determining said affinity group as a result of a degree of its matching said plurality of user profiles" as taught by Turnasella, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claim 66**:

Williams disclose the method of claim 65, wherein said score value is a relative weight of said match group. Williams, wherein said score value is a relative weight of said match group. (Col. 2, lines 20-40), (Col. 6, lines 50-60).

With respect to **Claim 68**:

Williams disclose the method of Claim 66, wherein said match group is further comprised of at least one of match field and an affinity group. Williams disclose the step of: determining one or more matches which are the best matches from a plurality of possible matches. (Col. 2, line 60 to Col. 3, lines 11-11), (Col. 8, lines 28-40).

With respect to **Claim 69**:

Williams disclose the method of Claim 68, wherein said match field comprises a score value. Williams disclose the method wherein said matches are arranged by order of match score, said order being grouped to at least levels of matches, based on said score. (Col. 2, line 60 to Col. 3, lines 1-11), (Col. 5, lines 65 to Col. 6, lines 1-5), (Col. 8, lines 28-45).

With respect to **Claim 70**:

Williams disclose the method of Claim 68, wherein said affinity group comprises a score value. However, Williams disclose providing and aggregated score for said matching step and weighting the importance of including each said match in said report. (Col. 2, lines 20-40), (Col. 6, lines 50-60); and classifying of each match score as one of deterministic to meeting said goal. (Col. 4, lines 10-19).

With respect to **Claim 71**:

Williams disclose the method of Claim 65, wherein said match group comprises further one of a deterministic and a non-deterministic match group. Williams disclose "the present invention automatically and objectively measures a job candidate's work ethic, adaptability, teamwork, customer-service orientation, etc". (Col. 2, lines 20-40); "during this phase of the process, a client/employer can compare candidates against a database of former employees that are not eligible for re-hire. Upon performing the comparison, non-rehireable candidates may be prompted to an exit from the interview portion of the process or transferred to other clients/employers". (Col. 6, lines 50-60).

With respect to **Claim 72**:

Williams disclose the method of Claim 71, wherein a score is determined for a profile only if there exists a match to) at least said deterministic match group. Williams disclose the step of: determining the best match. "the system then has the option of conducting a suitability evaluation of the Best Match candidates, which aids the client/employer in efficient placement of a candidate into a specific job classification" (Col. 8, lines 31-38).

With respect to **Claims 76** and **77**:

Williams disclose the method of Claim 73, wherein said fitness scores of step f) are sorted by order of fitness and wherein user profiles having a highest fitness scores are grouped into an affinity group. Williams disclose "determining at least one best match from a plurality of possible matches and arranging matches by order of match score, said order being grouped to at least two levels of matches, based on said score (See column 2, line 60-column 3, line 10,

column 5, line 65-column 6, line 5, column 8, lines 28-45, wherein best matches are determined. See also column 4, lines 10-19, column 9, and lines 35-45, wherein the user is scored and is either considered a best match or is considered not suited for the position). Williams et al. further teaches providing an aggregated score for said matching step and weighting the importance of including said match in said report (See column 2, lines 20-40, column 6, lines 50-60, column 8, lines 40-50) and classifying each match score as one of deterministic to meeting said goal; and non-deterministic to meeting said goal (See column 4, lines 10-19, column 8, lines 20-45, and column 9, lines 35-45, wherein the score reflects that the user satisfies the criteria).

With respect to **Claim 79**:

Williams does not explicitly disclose the method of Claim 65, further comprising the steps of: receiving information of the type of report requested; if said report is of a type requiring receipt of financial commitment, then receiving relevant information; and providing a desired report. However, Turnasella teaches "a company that opts to contribute wage information to the database, i.e., a contributing member subscribes to the system... the sponsoring organization and providing salary data of the company to the service provider for storage in a database associated with the website. A number of contributing members may be associated together as a survey group by the service provider... The salary data from the contributing members of a survey group is processed in a predetermined fashion into surveys and access to the surveys is provided to the survey group via the Internet. (Paragraph 0006); "may be one or more salary servers and one or more salary clients connected to the network... the salary server includes a professionally managed, interactive salary database of wage and salary levels for selected benchmarked jobs; all programs accessing the database, which are stored in the memory, are database independent

(Paragraphs 0031-0033). Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams to have incorporated a contributing member subscribes to the system… the sponsoring organization and providing salary data of the company to the service provider for storage in a database associated with the website. A number of contributing members may be associated together as a survey group by the service provider… The salary data from the contributing members of a survey group is processed in a predetermined fashion into surveys as taught by Turnasella, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the

With respect to **Claims 81**:

Williams disclose the method of Claim 65, wherein said plurality of user profiles comprises an affinity group. Williams disclose "determining one or more matches which are the best matches from a plurality of possible matches". (Col. 2, line 60 to Col. 3, lines 11-11), (Col. 8, lines 28-40).

With respect to **Claims 82**:

Williams disclose the method of claim 65, wherein said fitness score is at least a weighted score of at least one of a match group, a match field, and an affinity group. Williams disclose "the present invention automatically and objectively measures a job candidate's work ethic, adaptability, teamwork, customer-service orientation, etc". (Col. 2, lines 20-40); "during this phase of the process, a client/employer can compare candidates against a database of former employees that are not eligible for re-hire. Upon performing the comparison, non-rehireable

candidates may be prompted to an exit from the interview portion of the process or transferred to

other clients/employers" (Col. 6, lines 50-60).

With respect to **claims 86, 89 and 92**:

Williams does not explicitly disclose the computer software product of Claim 83, further

comprising the steps of: receiving information of the type of report requested; if said report is of

a type requiring receipt of financial commitment, then receiving relevant information; and

providing a desired report. However, Turnasella teaches "a company that opts to contribute wage

information to the database, i.e., a contributing member subscribes to the system... the

sponsoring organization and providing salary data of the company to the service provider for

storage in a database associated with the website. A number of contributing members may be

associated together as a survey group by the service provider... The salary data from the

contributing members of a survey group is processed in a predetermined fashion into surveys and

access to the surveys is provided to the survey group via the Internet. (Paragraph 0006); "may be

one or more salary servers and one or more salary clients connected to the network... the salary

server includes a professionally managed, interactive salary database of wage and salary levels

for selected benchmarked jobs; all programs accessing the database, which are stored in the

memory, are database independent (Paragraphs 0031-0033). Therefore, it would have been

obvious to one of ordinary skill in the art; at the time of the invention to have modified the

system of Williams to have incorporated a contributing member subscribes to the system... the

sponsoring organization and providing salary data of the company to the service provider for

storage in a database associated with the website. A number of contributing members may be

associated together as a survey group by the service provider... The salary data from the

contributing members of a survey group is processed in a predetermined fashion into surveys as taught by Turnasella, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable

With respect to **Claims 84, 88** and **91**

The computer software product of claim 83, wherein said matching step comprises the steps of:

a) selecting a user profile from "said" plurality of user profiles, "said user profile" not previously "scored" William disclose wherein the user is associated with at least in grouping of job position based on his or her answer to question" (Col. 6, lines 30-35), (Col. 7, lines 5-25) .

Williams disclose the above limitations but does not disclose step b) comparing a match field of said user profile to a respective match field, and determining a match group score.

However, Turnasella teaches the step of matching between at least match fields of said goal… wherein the parameters are matched" (paragraph 0031, 0049-0050 and 0057).

Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams to have incorporated "comparing a match field of said user profile to a respective match field, and determining a match group score as taught by Turnasella, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

assigning a fitness score to said second user profile based on the plurality of said scores

determined in step b) Williams disclose "wherein further comprising the step of: determining one

or more matches which are the best matches from a plurality of possible matches" (Col. 2, line

60 to Col. 3, lines 11-11), (Col. 8, lines 28-40);

Williams disclose the above limitations but does not disclose repeating step b) until all

match fields requiring a comparison are matched.

However, Turnasella teaches "wherein at least one best match is provided in the report"

(Paragraphs 0031, 0049-0050, 0053). Therefore, it would have been obvious to one of ordinary

skill in the art; at the time of the invention to have modified the system of Williams to have

incorporated repeating step b) until all match fields requiring a comparison are matched as taught

by Turnasella, since the claimed invention is merely a combination of old elements, and in the

combination each element merely would have performed the same function as it did separately,

and one of ordinary skill in the art would have recognized that the results of the combinations

were predictable.

Williams disclose the above limitations but does not disclose the step e) repeating the

method from step a) until all available user profiles receive fitness score.

However, Turnasella teaches "wherein the matches are arranged using scores" (paragraph

0050). Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the

invention to have modified the system of Williams to have incorporated the step e) repeating the

method from step a) until all available user profiles receive fitness score as taught by Turnasella,

since the claimed invention is merely a combination of old elements, and in the combination

each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

Williams disclose the above limitations but does not disclose reporting the fitness scores.

However, Turnasella teaches "weighting the importance of including said match in said report (paragraphs 0031, 0049-0050). Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams to have incorporated reporting the fitness scores as taught by Turnasella, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claim 103:**

Comment [I1]: Under which ground of rejection is this claim recited? The last statement you made is unclear????

Williams disclose recites a system for the purpose of performing automated surveys, comprising:

a database for storing at least a plurality of survey questions and prospective answers "an applicant accesses the system ... via the Internet, ...or other communication means, and responds to position openings which have been published by the client/employer and have been stored" (Col. 5, lines 40-46), "administer interview question wherein a first set of questions is asked of the user so that the user us matched with a work group having similar characteristics to the user, the group including multiple profile" (Col. 3, lines 30-55); and,

a server having access to "a" network and said database, said server configured to survey a user "with" said plurality of survey questions and prospective answers "the applicant's

responses to questions are monitored to determine alternate direction in which the interview may proceed" (See abstract);

"said server" creating user profiles, for creating at least an affinity group based on a plurality of user profiles, and for associating said user profile with at least an affinity group Williams, "a group of best matches is formed, See Williams Fig. 3; Internet based interactive response platforms... the first tier of the interview process, candidates are asked questions concerning employment eligibility and availability, job and educational requirements...the second tier, the system asks questions designed to assess whether a candidate displays critical, job-related behavioral characteristics". (Col. 2, lines 50-65).

Williams disclose the above limitations but does not disclose "said server" selecting said questions and respective "prospective" answers based on at least a response provided to a previous question; "said server automatically creating tailored questions for presentation to a user taking said survey".

However, Turnasella teaches "one question is presented to a user and used to group the user with others of similar backgrounds and attributes" (Paragraph 0006); "Fig. 6 show the group account association...that table associates a specific account with a specific subgroup. Once associated, all wage information provided by the account" (Paragraph 0036).

Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams to have incorporated "said server" selecting said questions and respective "prospective" answers based on at least a response provided to a previous question; "said server automatically creating tailored questions for presentation to a

user taking said survey" as taught by Turnasella, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

Williams disclose the above limitations but does not disclose "wherein said automatic tailoring is based on affinity groups that are associated with said user taking said survey, and upon presenting additional selected questions and receiving additional prospective answers until no new questions can be presented to say user from said survey questions".

However, Turnasella teaches "the user is presented other questions based on affiliation to a subgroup based on a previous answer" (Paragraph 0031-0033).

Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams to have incorporated "wherein said automatic tailoring is based on affinity groups that are associated with said user taking said survey, and upon presenting additional selected questions and receiving additional prospective answers until no new questions can be presented to say user from said survey questions" as taught by Turnasella, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

Williams disclose the above limitations but does not disclose "said server determining which of said affinity groups are associated with said user by comparing said user profile to said affinity groups".

However, Turnasella teaches "generates the profile report that compares salary wages" (Paragraphs 0047, 0055-0056).

Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams to have incorporated a "said server determining which of said affinity groups are associated with said user by comparing said user profile to said affinity groups" as taught by Turnasella, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

11.   **Claims 8, 10, 19, 21, 27-30, 38, 40, 51, 52, 57, 59-62,73,75, 78, 85, 94-98** are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. (U.S. 6,618,734) in view of Turnasella (U.S. 2003/0145015) as applied to claims 1-7, 9, 11-18, 20, 22-26, 31-37, 39, 41-51, 53-56, 58, 63-66 above and further in view of Rosenthal et al. (US 2002/0133502).

With respect to **Claims 8** and **38**:

The combination of Williams and Turnasella teaches the above limitations but does not explicitly disclose the method of claim 1, wherein said at least a question may have one or more possible answers displayed. However, Rosenthal teaches "the maximum keys field may also indicate a minimum and maximum range of input that is acceptable in response to the asked

questions". (Paragraph 0081); See Table 2 show "the maximum number characters or inputs allowed for a question". Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams and Turnasella to have incorporated the maximum keys field may also indicate a minimum and maximum range of input that is acceptable in response to the asked questions as taught by Rosenthal, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 10** and **40**:

The combination of Williams and Turnasella teaches the above limitations but does not explicitly disclose the method of claim 8, wherein said one or more possible answers displayed is based on at least one of: popularity of an answer within said at least an affinity group; being a most frequent answer within said at least an affinity group; and being a most recent answer within said at least an affinity group. However, Rosenthal teaches "the participant replies are captured and re-used together with other information sediment by the day to day operation into the answers database" (Paragraph 0134).Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams and Turnasella to have incorporated the participant replies are captured and re-used together with other information sediment by the day to day operation into the answers database as taught by Rosenthal, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately,

and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claim 19**:

The combination of Williams and Turnasella teaches the above limitations but does not explicitly disclose the method of claim 18, wherein said goal comprises at least one of: a profile attributes value; a range of profile attributes values. However, Rosenthal teaches "See Figs. 7a and 7b"; "it is planned to aggregate such data in a knowledge base, building a depository of patient demographics, treatments, and outcomes data. From such knowledge base, a statistical model of normative replies to various treatment protocols is created. This should permit on-the-fly statistical comparisons to the normative curve of the individual participant replies, allowing the medical practitioner to evaluate whether the participant" (Paragraph 0134). Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams and Turnasella to have incorporated statistical comparisons to the normative curve of the individual participant replies, allowing the medical practitioner to evaluate whether the participant as taught by Rosenthal, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 21, 52** and **74**:

Williams teaches the method of claim 18, wherein for the purpose of providing said report, said method comprises the step of matching to at least one of said affinity groups at least one of a goal and a user profile. (Col. 2, lines 20-40); (Col. 6, lines 50-60).

Williams teaches the above limitations but does not explicitly disclose to at least one of said affinity groups at least one of a user profile. However, Rosenthal teaches providing said report, said method comprises the step of matching to at least one of said affinity groups at least one of a goal and a user profile (Paragraphs 0029-0030). It would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams to have incorporated at least one of said affinity groups at least one of a user profile as taught by Rosenthal, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 27** and **57**:

Williams and Turnasella teaches the above limitations but does not explicitly disclose the method of claim 18, wherein said goal is one of a personal goal and an informative goal. However, Rosenthal teaches wherein said goal is any of a personal goal "See Figs. 7a and 7b"; Paragraphs 0020, 0030, wherein the report has a reporting goal that provide information interesting. It would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams and Turnasella to have incorporated the report has a reporting goal that provide information interesting as taught by Rosenthal, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 28** and **59**:

Williams and Turnasella teaches the above limitations but does not explicitly disclose the method of claim 27, wherein said informative goal provides aggregated information pertaining to a plurality of user profiles. However, Rosenthal teaches where said aggregated information comprise a plurality of user profiles "the information gathered by the system may be utilized while the individual participants will remain anonymous... aggregated such data in a knowledge base...from such knowledge base, a statistical model of information" (Paragraph 0134). It would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams and Turnasella to have incorporated aggregated information comprise a plurality of user as taught by Rosenthal, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 29** and **61**:

Williams and Turnasella teaches the above limitations but does not explicitly disclose the method of claim 28, wherein said aggregated information comprises at least statistical information. However, Rosenthal teaches "the information gathered by the system may be utilized while the individual participants will remain anonymous... aggregated such data in a knowledge base...from such knowledge base, a statistical model of information" (Paragraph 0134), "to continuously examine and improve course of treatment by extrapolation relevant data, and comparing the individual replies...the information be included as part of databases...utilized for report" (Paragraph 0135). It would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams and Turnasella to have

incorporated aggregated information comprises at least statistical information as taught by Rosenthal, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 30, 62** and **73**:

Williams and Turnasella teaches the above limitations but does not explicitly disclose the method of claim 27, wherein said report resulting of said personal goal provides a comparison of the user having said user profile to at least one of a plurality of user profiles and an affinity group. However, Rosenthal teaches providing said report, said method comprises the step of comparison to at least one of said affinity groups at least one of a goal and a user profile (Paragraphs 0029-0030). It would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams to have incorporated at least one of said affinity groups at least one of a user profile as taught by Rosenthal, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claim 60**:

Williams and Turnasella teaches the above limitations but does not explicitly disclose the method of claim 59, wherein said aggregated information comprises at least statistical information. However, Rosenthal teaches "the information gathered by the system may be utilized while the individual participants will remain anonymous... aggregated such data in a

knowledge base...from such knowledge base, a statistical model of information" (Paragraph

0134), "to continuously examine and improve course of treatment by extrapolation relevant data,

and comparing the individual replies...the information be included as part of databases...utilized

for report" (Paragraph 0135). It would have been obvious to one of ordinary skill in the art; at the

time of the invention to have modified the system of Williams and Turnasella to have

incorporated aggregated information comprises at least statistical information as taught by

Rosenthal, since the claimed invention is merely a combination of old elements, and in the

combination each element merely would have performed the same function as it did separately,

and one of ordinary skill in the art would have recognized that the results of the combinations

were predictable.

With respect to **claim 75**:

    Williams teaches the above limitations but does not explicitly disclose the method of

claim 74, wherein said fitness score is at least a tally of score value of at least one of a match

group, a match field, and an affinity. However, Rosenthal teaches providing said report, said

method comprises the step of matching to at least one of said affinity groups at least one of a

goal and a user profile (Paragraphs 0029-0030). It would have been obvious to one of ordinary

skill in the art; at the time of the invention to have modified the system of Williams to have

incorporated at least one of said affinity groups at least one of a user profile as taught by

Rosenthal, since the claimed invention is merely a combination of old elements, and in the

combination each element merely would have performed the same function as it did separately,

and one of ordinary skill in the art would have recognized that the results of the combinations

were predictable.

With respect to **claim 78**:

Williams and Turnasella teaches the above limitations but does not explicitly disclose the method of claim 77, wherein a number of user profiles is determined using any of range of fitness scores. However, Rosenthal teaches "See Figs. 7a and 7b"; "it is planned to aggregate such data in a knowledge base, building a depository of patient demographics, treatments, and outcomes data. From such knowledge base, a statistical model of normative replies to various treatment protocols is created. This should permit on-the-fly statistical comparisons to the normative curve of the individual participant replies, allowing the medical practitioner to evaluate whether the participant" (Paragraph 0134). Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams and Turnasella to have incorporated statistical comparisons to the normative curve of the individual participant replies, allowing the medical practitioner to evaluate whether the participant as taught by Rosenthal, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **claim 85**:

The combination of Williams and Turnasella teaches the above limitations but does not explicitly disclose the computer software product of Claim 84, wherein said step b) further comprises the step of: matching at least one of a match field and an affinity. However, Rosenthal teaches "the participant replies are captured and re-used together with other information

sediment by the day to day operation into the answers database" (Paragraph 0134).Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams and Turnasella to have incorporated the participant replies are captured and re-used together with other information sediment by the day to day operation into the answers database as taught by Rosenthal, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **claims 94-98**:

Williams et al. discloses generating a match score (Col. 2, lines 20-40, Col. 6, lines 50-60, and Col. 8, lines 40-50). Both Williams et al. and Rosenthal et al. disclose systems where users are asked questions and the answers are collected via a computer. Rosenthal et al. discloses generating reports and statistics, as well as analyzing matched populations. Williams et al. discloses weighting said constraints to provide a match score. It would have been obvious to one of ordinary skill in the art at the time of the invention to include providing a match score in the matched populations Rosenthal et al. in order to more efficiently generate statistics for reporting purposes. Both Williams et al. and Rosenthal et al. disclose systems where users are asked questions and the answers are collected via a computer. Rosenthal et al. discloses generating reports and statistics, as well as analyzing matched populations. Williams et al. discloses weighting said constraints to provide a match score. It would have been obvious to one of ordinary skill in the art at the time of the invention to include providing a match score in the

matched populations Rosenthal et al. in order to more efficiently generate statistics for reporting purposes.

12.   **Claim 80** is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. (U.S. 6,618,734) in view of Turnasella (U.S. 2003/0145015) as applied to claim 79 above and further in view of Kaehler et al. (US 6,089,284).

With respect to **claim 80**:

The combination of Williams and Turnasella teaches the above limitations but does not explicitly disclose the method of claim 79, wherein said receipt of financial commitment comprise the step of receiving any of credit card information, debit card information, Purchase order information, coupon information, and check information. However, Kaehler teaches "wherein said payment information corresponds to a credit card, debit card, or bank account, or a combination thereof". (Col.18, lines 11-23); "transaction processing system, associating said additional customer information with said transmitter identification data and said payment information, and storing said associated additional customer information, transmitter identification data and said payment information". (Col. 12, lines 28 -65 and Col.19, lines 3-67 and Col. 19 lines 11-23). Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams and Turnasella to have incorporated wherein said payment information corresponds to a credit card, debit card, or bank account, or a combination thereof as taught by Kaehler, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

13.   **Claims 99-100** are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams

et al. (U.S. 6,618,734) in view of Turnasella et al. (U.S. 2003/0145015), in further view of

Rosenthal et al. (US 2002/0133502) as applied to claim 98 above and further in view of

DeLorame et al. (US 5, 948, 040).

With respect to **claims 99 and 100**:

The combination of Williams, Turnasella and Rosenthal teaches the above limitations but

does not disclose the apparatus of claim 98, comprising means for allowing free access to said

basic report and means for receiving billing information for providing said extended report.

However DeLorame discloses in FIG. 2 and further disclosed relative to ACCTS in FIG. 4 and to

FIG. 8, the Accounting Subsystem manages accounting data within the simple relational data

structure shown in FIG. 3. accounting data is involved in various transactional operations in

TRIPS, such as: (1) user registration or member enrollment, plus the Related "free" versus

"valuable" access/output differentials; (2) accounting for travel service/information transactions,

and other compensable exchanges among Trips site operators, retail users and/or participating

third-party providers, for purposes of invoicing and billing in accord with standing Trips site

policies and contractual arrangements; and (3) tracking and dispensing statistical data or

"ratings" for the Trips online or Internet site usage or "hits" on the overall site and/or specified

parts thereof as an index or measure of participation and/or promotional value".

Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the

invention to have modified the system of Williams, Turnasella and Rosenthal to have

incorporated wherein free access to said basic report and means for receiving billing information

for providing said extended report as taught by DeLorame, since the claimed invention is merely

a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

Conclusion

14.   Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed Luis Santiago whose telephone number is (571) 270-5391. The examiner can normally be reached Monday to Friday from 8:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jasmin, Lynda can be reached on (571) 272-6782. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) System. Status Information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

/LUIS SANTIAGO/

Examiner, Art Unit 3624

/LYNDA C JASMIN/

Supervisory Patent Examiner, Art Unit 3624